IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
NOTICE OF MOTION NO.63 OF 2007
IN
NOTICE NO.N/76 OF 2007

Re.Sunil Balkrishna Joshi & Another
... Judgment Debtors

Ex-parte :-
Punjab and Maharashtra Co-op
Bank Ltd. ... Petitioning Creditor

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 18,2007

P.C.:

1. Heard learned counsel for the parties. This notice of motion is taken out by the Judgment Debtor No.2 for setting aside the insolvency notice issued under sub section 2 of section 9 of the Presidency Towns Insolvency Act,1909. The insolvency notice is based on a recovery certificate issued under section 101 of the Maharashtra Co-operataive Societies Act,1960. In view of the decision of this court dated 4th September 2007 in the Notice of Motion No.40 of 2007 (Re.Kishore K. Mehta) and other connected matters, the insolvency notice under the said Act of 1909 is itself not maintainable on the basis of a recovery certificate issued under section 101 of the said Act of 1960.

2. Hence, notice of motion deserves to be made absolute and accordingly insolvency notice is hereby set aside.

JUDGE